

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

KURT STOKINGER and JANELLA
STOKINGER,

Plaintiffs,

v.

ARMSLIST, LLC,

Defendant.

Civil Action No: 1:23-CV-00428-PB

**DECLARATION OF ANDREW R. HAMILTON, ESQ.,
IN SUPPORT OF ARMSLIST, LLC'S MOTIONS TO DISMISS**

I, Andrew R. Hamilton, Esq., hereby depose and state:

1. I am an attorney in good standing in New Hampshire, practicing law with the firm McLane Middleton, Professional Association, 900 Elm Street, Manchester, New Hampshire. This firm represents Defendant Armslist, LLC ("Armslist") in the above-titled action.

2. I make this Declaration on personal knowledge.

3. I submit this Declaration in support of Armslist's two independent motions to dismiss: (1) Motion to Dismiss Due to Lack of Personal Jurisdiction, pursuant to Fed. R. Civ. P. 12(b)(2); and (2) Motion to Dismiss Claims as Barred by the Statute of Limitations, *Res Judicata*, Collateral Estoppel, and Communications Decency Act ("CDA"), pursuant to Fed. R. Civ. P. 12(b)(6).

4. On October 18, 2018, Plaintiffs filed a complaint against Armslist, Grant Headley ("Headley"), and Sara Johnson ("Johnson") in the Suffolk County, Massachusetts Superior Court in an action captioned *Kurt Stokinger and Janella Stokinger v. Armslist, LLC, Grant Headley, and*

Sara Johnson, Civil Action 1884CV3236 (the “Massachusetts Action”). A true and accurate copy of the Complaint in the Massachusetts Action is attached hereto as **Exhibit A.**

5. On March 29, 2019, Armslist filed two independent motions to dismiss the Massachusetts Action.

6. On March 13, 2020, the Superior Court granted Armslist’s CDA Motion (the “CDA Order”). A true and accurate copy of the CDA Order is attached hereto as **Exhibit B.**

7. On October 8, 2020, the Superior Court granted Plaintiffs six months to take jurisdictional discovery in the Massachusetts Action.

8. On October 30, 2020, Plaintiffs served Armslist with thirty-three (33) document requests (“Plaintiffs’ Documents Requests”) and twenty-five (25) Interrogatories.

9. On December 2, 2020, Armslist provided its responses and objections to Plaintiffs’ Document Requests (“Armslist’s Initial Responses”). A true and accurate copy of Plaintiffs’ Document Requests, and Armslist’s Initial Responses are attached hereto as **Exhibit C.**

10. On December 18, 2020, Armslist provided its responses and objections to Plaintiffs’ interrogatories.

11. On December 18, 2020, Armslist also provided Plaintiffs with two-hundred and seventy-three (275) documents in response to their document requests.

12. Although the focus of these discovery requests was on Armslist’s connections to Massachusetts, twelve (12) of the document requests and five (5) of the interrogatories sought information about Armslist’s connections to New Hampshire.

13. A true and accurate copy of Armslist’s supplemental responses to Plaintiffs’ document requests, along with a true and accurate copy of an email from Granite State Indoor

Range & Gun Shop LLC, “onlinesales@granitestaterange.com” to Armslist, dated May 2, 2015, is attached hereto as **Exhibit D.**

14. On December 14, 2021, the Superior Court ruled on Armslist’s Jurisdictional Motion (the “Jurisdictional Order”).

15. A true and accurate copy of the Jurisdictional Order is attached hereto as **Exhibit E.**

16. A true and accurate copy of the Massachusetts Action’s Docket is attached hereto as **Exhibit F.**

17. On September 23, 2022, the Superior Court issued a Notice of Status Review of the Docket to inquire about the status of the pending Massachusetts Action against Headley and Johnson (the “Notice”), which is reflected in the Massachusetts Action’s Docket. See Ex. F.

18. On October 31, 2022, the Superior Court dismissed the Complaint in the Massachusetts Action without prejudice due to Plaintiffs’ failure to respond the Notice, which is reflected in the Massachusetts Action’s Docket. See Ex. F.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on November 20, 2023.

/s/ Andrew R. Hamilton

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